

**SUPREME COURT CALENDAR  
SACRAMENTO SESSION  
NOVEMBER 6, 7, and 8, 2001**

**(THIRD AMENDED)**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom in the Library and Courts Building, Sacramento, California, on November 6, 7, and 8, 2001.

**TUESDAY, NOVEMBER 6, 2001—2:00 P.M.**

- |     |         |                  |
|-----|---------|------------------|
| (1) | S086128 | People v. Bunn   |
| (2) | S085942 | People v. King   |
| (3) | S092882 | People v. Cooper |

**WEDNESDAY, NOVEMBER 7, 2001—9:00 A.M.**

- |     |         |  |
|-----|---------|--|
| (4) | S091601 | Hooker v. Department of Transportation   |
| (5) | S091097 | McKown v. Wal-Mart Stores  |
| (6) | S082782 | Hartwell Corp. v. Superior Court, County<br>of Ventura; (Santamaria)<br><i>(Werdegarr, J., not participating; Kline, P.J., assigned<br/>Justice Pro Tempore)</i> |

**1:30 P.M.**

- |     |         |  |
|-----|---------|--|
| (7) | S085224 | Marks v. Superior Court, County of Alameda; (People)   |
| (8) | S017869 | People v. Kristin William Hughes [ <i>Automatic Appeal</i> ]   |
| (9) | S009038 | In re Thomas L. Riordan and Robert M. Sanger,<br>etc.; People v. Richard Turner (Order to Show Cause<br>re Contempt) |

**THURSDAY, NOVEMBER 8, 2001—9:00 A.M.**

- |      |         |   |
|------|---------|---|
| (10) | S091069 | Amelco Electric v. City of Thousand Oaks            |
| (11) | S085213 | In re Arturo D.                                     |
| (12) | S085218 | People v. Hinger                                    |
| (13) | S014497 | People v. Dennis Lawley [ <i>Automatic Appeal</i> ] |

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GEORGE  
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 10(d), California Rules of Court.

**SUPREME COURT CALENDAR  
SACRAMENTO SESSION  
NOVEMBER 6, 7, and 8, 2001**

The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**TUESDAY, NOVEMBER 6, 2001—2:00 P.M.**

***(1) People v. Bunn, S086128***

#00-42 *People v. Bunn*, S086128. (A084466.) Unpublished opinion. Petition for review after the Court of Appeal reversed an order dismissing criminal charges. This case concerns whether, and if so under what circumstances, the separation of powers doctrine bars the refiling of a criminal charge pursuant to a new statutory amendment extending the statute of limitations for the charged crime, when the same charge previously had been dismissed as untimely.

***(2) People v. King, S085942***

#00-43 *People v. King*, S085942. (C030038.) Unpublished opinion. Petition for review after the Court of Appeal affirmed an order denying a motion to reinstate a criminal complaint. Like *People v. Bunn* (S086128), this case concerns whether, and if so under what circumstances, the separation of powers doctrine bars the refiling of a criminal charge pursuant to a statutory amendment extending the statute of limitations for the charged crime, when the same charge previously had been dismissed as untimely.

**(3) *People v. Cooper*, S092882**

#01-11 *People v. Cooper*, S092882. (A087483; 84 Cal.App.4th 749.) Petition for review after the Court of Appeal modified sentence and otherwise affirmed a judgment of conviction of a criminal offense. The court limited review to the issue of whether the 15 percent limitation on pretrial custody credits contained in Penal Code section 2933.1(c) applies when sentence is imposed under Penal Code section 190 as that provision read before its amendment as of June 3, 1998. (See Prop. 222, as approved by voters, Primary Elec. (June 2, 1998).)

**WEDNESDAY, NOVEMBER 7, 2001—9:00 A.M.**

**(4) *Hooker v. Department of Transportation*, S091601**

#00-139 *Hooker v. Department of Transportation*, S091601. (B128914.) Unpublished opinion. Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case presents the issue of whether, and if so under what circumstances, an employee of an independent contractor who is injured in the course of his or her employment may bring an action against the hirer of the independent contractor based upon the hirer's alleged negligent exercise of retained control, in light of the decisions in *Privette v. Superior Court* (1993) 5 Cal.4th 689, *Toland v. Sunland Housing Group* (1998) 18 Cal.4th 253, and *Camargo v. Tjaarda Dairy* (2001) 25 Cal.4th 1235.

**(5) *McKown v. Wal-Mart Stores*, S091097**

#00-127 *McKown v. Wal-Mart Stores*, S091097. (E025572; 82 Cal.App.4th 562.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. Like *Hooker v. Department of Transportation* (S0991097), this case present the issue of whether, and if so under what circumstances, an employee of an independent contractor who is injured in the course of his or her employment, may bring an action against the hirer of the independent contractor based upon the hirer's alleged negligent exercise of retained control.

**(6) *Hartwell Corp. v. Superior Court, County of Ventura; (Santamaria), S082782 (Werdegar, J., not participating; Kline, P.J., assigned Justice Pro Tempore)***

#99-190 Hartwell Corp. v. Superior Court, County of Ventura; (Santamaria), S082782. (A085477, A085482, A085486, A085488, A085495, A085496, A085501, A085502, A085761; 74 Cal.App.4th 837.) Petitions for review after the Court of Appeal disposed of eight writ petitions and an appeal. These consolidated cases concern whether the exclusive jurisdiction of the Public Utilities Commission (*PUC*) preempts water contamination actions brought against utilities regulated by the PUC and/or similar actions brought against water providers and industrial users not regulated by the PUC.

**1:30 P.M.**

**(7) *Marks v. Superior Court, County of Alameda; (People), S085224***

#00-111 Marks v. Superior Court, County of Alameda; (People), S085224. Original proceeding. This case concerns the question of whether, and if so to what extent, separate appointed habeas corpus counsel is entitled to participate in correcting, augmenting, and settling the record on appeal in a capital case.

**(8) *People v. Kristin William Hughes, S017869 (Automatic Appeal)***

This matter is an automatic appeal from a judgment of death.

**(9) *In re Thomas L. Riordan and Robert M. Sanger, etc.,; People v. Richard Turner (Order to Show Cause re Contempt), S009038***

The court issued an order to show cause regarding the question of whether counsel in this capital case should be held in contempt for failing to file appellant's opening brief.

**THURSDAY, NOVEMBER 8, 2001—9:00 A.M.**

**(10) *Amelco Electric v. City of Thousand Oaks, S091069***

#00-132 Amelco Electric v. City of Thousand Oaks, S091069. (B129406; 82 Cal.App.4th 373.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case concerns whether a contractor on a public

works construction project may recover in quantum meruit (under a “total cost” formula) rather than under the terms of the construction contract, where the contractor alleges that the public entity should be found to have abandoned the contract as a result of excessive change orders to the contract. (See Pub. Contract Code, § 7105.)

**(11) *In re Arturo D.*, S085213**

#00-24 *In re Arturo D.*, S085213. (A085945; 77 Cal.App.4th 160.) Petition for review after the Court of Appeal reversed an order of the juvenile court.

**(12) *People v. Hinger*, S085218**

#00-25 *People v. Hinger*, S085218. (G023616.) Unpublished opinion. Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense.

Both the *Arturo D.* and *Hinger* cases present similar issues concerning the propriety of the search of the interior of a vehicle whose driver, upon being detained for a traffic violation, fails to produce a driver’s license, other identification, or the vehicle registration. The cases have been consolidated for argument in one time slot.

**(13) *People v. Dennis Lawley*, S014497 (*Automatic Appeal*)**

This matter is an automatic appeal from a judgment of death.